

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
AIKEN DIVISION

Alacia C. Quinton as PR for the)	Civil Action No.: 1:10-cv-02187-JMC
Estate of April Lynn Quinton,)	
)	
Plaintiff,)	
)	
v.)	
)	
Toyota Motor Corporation, Toyota)	DEFENDANTS' RESPONSE TO
Motor Sales U.S.A., Inc., Toyota)	PLAINTIFF'S MOTION <i>IN LIMINE</i>
Motor Engineering and)	NO. 1
Manufacturing North America, Inc.;)	
Toyoda Gosei North America)	
Corporation,)	
)	
Defendants.)	
)	

Defendants, Toyota Motor Corporation, Toyota Motor Sales U.S.A., Inc., Toyota Motor Engineering and Manufacturing North America, Inc., and Toyoda Gosei North America Corporation (hereinafter "Defendants") respond to Plaintiff's Motion *In Limine* No. 1 as follows.

I. THE EVIDENCE AT ISSUE

Plaintiff seeks to exclude any evidence or testimony regarding April Quinton's pre-accident medical conditions. More specifically, this evidence includes information that April Quinton was diabetic, possibly narcoleptic, suffered from anxiety and depression, and that she ingested medications for the above conditions within 24 hours of her accident.

II. DEFENDANTS DO NOT INTEND TO OFFER EVIDENCE OF APRIL QUINTON'S PREEXISTING MEDICAL CONDITIONS, UNLESS PLAINTIFF OR HER WITNESSES OPEN THE DOOR TO SUCH EVIDENCE.

Defendants do not plan to offer evidence or make references to April Quinton's preexisting medical conditions as a possible cause of the accident or as a fact relevant to damages, unless Plaintiff, her counsel, or her witnesses make a statement or testify in such a way to make this evidence relevant. Defendants' counsel will approach the Court and counsel outside the hearing of the jury before making any reference to Ms. Quinton's pre-existing health conditions.

III. DEFENDANTS DID NOT VIOLATE THE COURT'S HIPAA ORDER

Plaintiff is wrong that several of the medical records produced thus far directly violated this Court's HIPAA Order in Civil Action (ECF No. 48). That Order states in relevant part:

Nothing in this order permits disclosure of ***confidential communications, made for the purposes of diagnosis or treatment of a patient's mental or emotional condition***, including alcohol or drug addiction, among the patient, the patient's psychotherapist, and persons who are participating in the diagnosis or treatment under the direction of the psychotherapist, including members of the patient's family, nor does this order permit disclosure of records or information related to HIV testing or sexually transmitted diseases.

See HIPAA Order in Civil Action, p. 2, ECF No. 48 (emphasis added).

Defendants have not violated the Court's HIPAA Order. The medical records regarding April Quinton's preexisting medical conditions were properly disclosed in discovery and listed as potential trial exhibits. The fact that April Quinton was on depression and anxiety medication for several years pre-accident is not a "confidential communication[], made for the purposes of diagnosis or treatment of a patient's mental or emotional condition." It is simply a fact resulting from her diagnosis and treatment.

Defendants will not introduce as exhibits any confidential communications between April and her mental health providers made for the purposes of diagnosis or treatment of her depression or anxiety.

IV. CONCLUSION

Defendants respectfully request that the Court deny Plaintiff's Motion *In Limine* No. 1. Defendants will not make reference to or offer evidence regarding April Quinton's preexisting medical conditions unless Plaintiff, her counsel or her witnesses open the door to the admissibility of such evidence. If this occurs, Defendants' counsel will approach the Court outside the jury's hearing before referring to or introducing any such evidence.

Respectfully submitted

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